

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590

JUL 0 9 2013



REPLY TO THE ATTENTION OF SE-5J

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Sean Bezark Attorney at Law Greenberg Traurig, L.L.P. 77 West Wacker Drive Chicago, Illinois 60601

Re: Lindsay Light II Site, Operable Unit 05, Lakeshore East/Family Golf Course

221 North Columbus Drive, Chicago, Cook County, Illinois

Site Spill Identification Number: 05YT

Demand Letter

Dear Mr. Bezark:

The U.S. Environmental Protection Agency has conducted response actions to address contamination at Lakeshore East/Family Golf Course, Operable Unit 05 (OU 05 or the Site). The EPA took these actions under authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. §§ 9601-9675. Prior to undertaking these response actions, the EPA determined that there was a release or threatened release of hazardous substances from OU 05. The EPA undertook the response actions using monies authorized by CERCLA, as amended.

As you are aware, on May 24, 2005, the EPA and certain Settling Parties entered into a CERCLA Section 122(a) and (h)(1) Agreement For Recovery Of Past Response Costs (Agreement). The Settling Parties under the Agreement are Illinois Center Plaza Venture; LaSalle Bank National Association as successor Trustee to American National Bank and Trust Company of Chicago (trust numbers 46968, 56375, 45251, 45250, 115 883-08); PepsiAmericas, Inc.; Mid-America Improvement Corporation; Illinois Center Corporation; Metropolitan Structures; Lakeshore East, LLC; Lakeshore Links, LLC; Lakeshore East Parcel P, LLC; and Lakeshore East Development Group, Ltd. The Settling Parties conducted a removal action for the radioactively contaminated material at OU 05 in accordance with a Work Plan approved by the EPA on correspondence dated October 15, 2002. During the response, the EPA undertook several actions at OU 05.

Those response actions consisted of surface scans, sampling and overseeing investigation, and cleanup work conducted by the Settling Parties. Pursuant to the terms of the Agreement, the Settling Parties paid the EPA \$71,256.08 for the past response costs defined by the Agreement, through December 15, 2004. Also, pursuant to the Agreement, portions of the Site were not fully investigated, and to prevent a threat of release of radionuclides, the Owner Settling Parties further agreed to record an Environmental Easement and Restrictive Covenant that restricts soil disturbance below 18 inches in the former boat slip locations, the right to enforce such restrictions, a right of access to the Site, prior notice of soil disturbance below 18 inches in the former boat slip locations, and when disturbance, exposure, intrusion or excavation occurs in those areas that it is done in accordance with the EPA-approved Work Plan. The Owner Settling Parties under the Agreement are Lakeshore East, LLC; Lakeshore Links, LLC; Lakeshore East Parcel P, LLC; and Lakeshore East Development Group, Ltd.

Subsequently, from May 25, 2005, through December 31, 2012, the EPA incurred additional response costs associated with the uninvestigated areas of the Site. Such responses included, but are not limited to, sampling and overseeing investigation, and cleanup work conducted for construction development in areas subject to the Environmental Easement and Restrictive Covenant. These additional costs are not "past" response costs as that term is defined in the Agreement. The approximate additional EPA response costs incurred are \$11,609.21. An Itemized Cost Summary dated January 30, 2013, reflecting those costs, is enclosed.

In the Agreement, the EPA alleged that Settling Parties are responsible parties pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a) and are liable for costs incurred or to be incurred at or in connection with the Site. Additionally, the EPA expressly reserved its rights against Settling Parties to seek reimbursement for response costs incurred or to be incurred by the United States after the date of the Agreement that were not within the definition of past response costs. Pursuant to the provisions of Section 107(a) of CERCLA and based on evidence currently available to the agency, it is the EPA's position that under the Agreement, the Settling Parties are liable for the payment of past costs as well as the EPA costs incurred in connection with OU 05 that are not defined in the Agreement as past costs. As potentially responsible parties (PRPs), the Settling parties are jointly and severally liable for the whole amount. Partial payments will not release the payor of liability for payment of the rest of the costs that are owed to the EPA. Limiting language on the check or in accompanying letters will be considered to be advisory only and will not be considered as placing conditions on the amount paid or as limiting liability on other costs demanded in this letter.

Such payment must be made by a cashier's or certified check made payable to the "U.S. EPA Hazardous Substance Superfund", which is established by the Internal Revenue Code, 26 U.S.C. § 9507, and administered by the EPA. Please send your check to U.S. EPA, Superfund Payments, Cincinnati Finance Center, P.O. Box 979076, St. Louis, Missouri, 63197-9000. Place the following Site Identification Number on the check: 05YT/OU 05. Please send a copy of your payment check to Mr. Thomas Marks, Chief, Enforcement Services Section 1 (SE-5J), U.S. EPA, Region 5, Superfund Division, 77 West Jackson Boulevard, Chicago, Illinois 60604, and to

Cathleen Martwick, Associate Regional Counsel, Office of Regional Counsel (C-14J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

We hereby demand that you make restitution by payment of the amount in this letter expended by the agency in connection with OU 05 pursuant to authority of CERCLA, as amended. Pursuant to Section 107(a) of CERCLA, as amended, interest shall begin accruing as of the date of this demand, if payment is not received within thirty (30) calendar days of the date of this letter.

If you desire to discuss the liability of the Settling Parties with the EPA, please contact Ms. Cathleen Martwick, Associate Regional Counsel, in writing no later than thirty (30) calendar days after the date of this letter. Ms. Martwick may also be reached by phone at (312) 886-7166. If we do not receive a response from you within this time frame, the EPA will assume that the Settling Parties have declined to reimburse the Fund for the OU 05 expenditures, and pursuant to CERCLA, the EPA may pursue civil litigation to recover all of its costs, with interest.

PRPs should attempt to work out an allocation among themselves to apportion costs; however, whatever allocation system the PRPs develop among themselves, the EPA considers all PRPs to OU 05 jointly and severally liable for the amounts demanded in this letter until all costs are reimbursed or an appropriate settlement is achieved pursuant to Section 122(h) of CERCLA.

Sincerely,

Sam Borries, Chief

Emergency Response Branch 2

Enclosure

LINDSAY LIGHT II SITE, OU 05, LAKESHORE EAST/FAMILY GOLF COURSE

List of Potentially Responsible Parties Sent Demand Letter

Lakeshore East, LLC
Lakeshore East Parcel P, LLC
Lakeshore East Development Group, Ltd.
c/o Mr. Bruce White
Attorney at Law
Barnes & Thornburg LLP
One North Wacker Drive, Suite 4400
Chicago, Illinois 60606

Illinois Center Plaza Venture
LaSalle Bank National Association
as successor Trustee to American National Bank and Trust Company of Chicago
(trust numbers 46968, 56375, 45251, 45250, 115 883-08)
PepsiAmericas, Inc.
Mid-America Improvement Corporation
Illinois Center Corporation
Metropolitan Structures
c/o Mr. Sean Bezark
Attorney at Law
Greenberg Traurig, L.L.P.
77 West Wacker Drive
Chicago, Illinois 60601

Itemized Cost Summary

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT Operable Unit(s): 05

REGIONAL PAYROLL COSTS	\$7,216.48
EPA INDIRECT COSTS	\$4,392.73
Total Site Costs:	\$11,609.21

Regional Payroll Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT Operable Unit(s): 05

Employee Name	Fiscal <u>Year</u>	Pay <u>Period</u>	Payroll <u>Hours</u>	Payroll <u>Costs</u>
FELITTI, PETER M.	2008	14	0.25	21.77
GENERAL ATTORNEY		15	0.25	21.77
		16	0.25	21.77
		18	6.25	544.07
			7.00	\$609.38
FULGHUM, MARY L.	2005	26	4.00	288.54
GENERAL ATTORNEY		27	1.25	90.17
	2006	02	3.75	269.56
		03	1.00	68.91
	2007	14	2.50	190.85
·	,	23	0.50	39.13
		24	0.25	19.57
		25	1.00	78.24
	2012	25	1.00	87.15
		27	0.25	21.86
	2013	02	0.75	65.37
		03	0.50	42.12
			16.75	\$1,261.47
JABLONOWSKI, EUGENE A.	2006	02	1.00	56.65
ENVIRONMENTAL ENGINEER		20	0.75	43.92
	2007	14	1.75	103.98
		23	1.25	76.88
		25	0.75	46.88
	2012	21	2.00	142.17
			7.50	\$470.48
JENSEN, LARRY W.	2005	27	14.50	894.96
HEALTH PHYSICIST	2006	02	3.50	216.02
		05	4.50	276.11
·		13	1.50	95.81
			24.00	\$1,482.90
JOYCE, EMMETT M. PUBLIC AFFAIRS SPECIALIST	2007	11	3.00	169.83
		-	3.00	\$169,83

Regional Payroll Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT Operable Unit(s): 05

Employee Name	Fiscal <u>Year</u>	Pay <u>Period</u>	Payroll <u>Hours</u>	Payroll <u>Costs</u>
KEATING, DEBBIE F.	2007	06	0.25	12.44
FRIPT, DEBBIE	2001	11	0.50	26.32
REGEL, DEBBIE	2008	05	0.50	27.44
ENVIRONMENTAL PROTECTION SPECIALIST	2009	18	0.75	45.63
ENVIRONMENTAL PROFESTION OF ESTACION	2000	19	0.50	30.41
•	2012	10	1.00	64.38
	2013	01	1.00	63.68
	2010	04	0.50	32.19
		05	0.50	32.19
		06	0.50	32.19
			6.00	\$366.87
MARTWICK, CATHLEEN R.	2005	22	3.00	183.09
GENERAL ATTORNEY		26	4.00	244.11
		27	3.00	183.09
	2006	02	.2.00	121.56
		03	1.00	61.03
•	,	06	1.50	91.54
	2007	23	2.00	132.87
		24	1.00	66.43
•.	•	26	1.25	83.06
	2008	24	3.00	212.34
		25	2.00	141.54
	2012	24	0.75	63.65
•		27	3.00	254.61
	2013	01	1.50	127.29
		. 03	1.50	. 124.95
			30.50	\$2,091.16
MICKE, FREDRICK A. ENVIRONMENTAL ENGINEER	2005	19	1.00	55.84
	•		1.00	\$55.84
SIMON, VERNETA J.	2005	25	0.25	14.08
ENVIRONMENTAL ENGINEER		27	5.00	281.62
	2006	02	0.25	14.07
		06	0.50	26.84
		07	0.25	14.08

Regional Payroll Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT Operable Unit(s): 05

Employee Name	Fiscal <u>Year</u>	Pay <u>Period</u>	Payroll <u>Hours</u>	Payroll <u>Costs</u>
SIMON, VERNETA J.	2006	20	0.25	15.27
	2007	14	1.50	94.04
		23	2.50	156.75
,	2008	23	0.50	32.47
			11.00	\$649.22
TAYLOR, DARIUS L. FINANCIAL SPECIALIST	2013	04	1.00	59.33
			1.00	\$59.33
Total Regional Payroll Costs		=	107.75	\$7,216.48

Headquarters Payroll Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT Operable Unit(s): 05

·	Fiscal	Pay	Payroll	Payroll
Employee Name	_Year_	Period	Hours	<u>Costs</u>

Regional Travel Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT Operable Unit(s): 05

				Treasury			
		Travel	Treasury	Schedule	•		
Traveler/Vendor Name	<u> </u>	Number	_Schedule_	Date	Travel Costs		

Headquarters Travel Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT Operable Unit(s): 05

	•		reasury,	
	Travel	Treasury	Schedule	
Traveler/Vendor Name	 Number	Schedule	Date	Travel Costs

Report Date: 01/30/2013 Page 1 of 1

Financial Cost Summary for the Contract Lab Program
LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT
Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

CONTRACT LAB PROGRAM (CLP) COSTS

Report Date: 01/30/2013

Page 1 of 1

Miscellaneous (MIS) Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT

Operable Unit(s): 05

Total

EPA Indirect Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT Operable Unit(s): 05

Fiscal Year	Direct Costs	Indirect Rate(%)	Indirect Costs
2005	2,235.50	61.71%	1,379.52
2006	1,371.37	56.23%	771.12
2007	1,297.27	62.91%	816.11
2008	1,023.17	61.66%	.630.87
2009	76.04	62.76%	47.73
2012	. 633.82	61.61%	390.49
2013	579.31	61.61%	356.89
	7,216.48		·
I EPA Indirect Costs		-	\$4,392.73

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

Employee Name	Fiscal <u>Year</u>	Pay Period	Payroll Costs	Ind. Rate (%)	Indirect Costs
FULGHUM, MARY L.	2005	26	288.54	61.71%	178.06
		27	90.17	61.71%	55.64
		•	378.71		\$233.70
JENSEN, LARRY W.	2005	27	894.96	61.71%	552.28
			894.96	_	\$552.28
MARTWICK, CATHLEEN R.	2005	. 22	183.09	61.71%	112.98
		26	244.11	61.71%	150.64
		27	183.09	61.71%	112.98
			610.29		\$376.60
MICKE, FREDRICK A.	2005	19	55.84	61.71%	34.46
,			55.84		\$34.46
SIMON, VERNETA J.	2005	25	14.08	61.71%	8.69
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		27	281.62	61.71%	173.79
		,	295.70		\$182.48
Total Fiscal Year 2005 Payroll Direct Costs:			2,235.50		\$1,379.52
T. (15° -12′ - 10°	205		2 225 50	=	<u> </u>
Total Fiscal Year 20	JU5:	·	2,235.50	=	\$1,379.52 —————
	PAYROL	L DIRECT COSTS			
		·		Ind.	
Employee Name	Fiscal <u>Year</u>	Pay <u>Period</u>	Payroll Costs	Rate _(%)	Indirect Costs
FULGHUM, MARY L.	2006	02	269.56	56.23%	151.57

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

Employee Name	Fiscal <u>Year</u>	Pay <u>Period</u>		Payroll Costs	Ind Rate (%)	Indirect Costs
FULGHUM, MARY L.	2006	03		68.91	56.23%	38.75
				338.47		\$190.32
JABLONOWSKI, EUGENE A.	2006	02		56.65	56.23%	31.85
		20	•	43.92	56.23%	24.70
•			•	100.57		\$56.55
	~	``	٠	•		
In control of the con	0000	•			50.000/	
JENSEN, LARRY W.	2006	02		216.02	56.23%	121.47
•		05 13		276.11	56.23%	155.26
	4	13		95.81	56.23%_	53.87
	,			587.94		\$330.60
MARTWICK, CATHLEEN R.	2006	02		121.56	56.23%	68.35
		03		61.03	56.23%	34.32
·		06		91.54	56.23%	51.47
				274.13	_	\$154.14
CIMONI VEDNIETA I	2006	02		44.07	E6 020/	7.91
SIMON, VERNETA J.	2006					7.91 15.09
·						7.92
						8.59
·					00.2070	\$39.51
				70.20		Ψ00.01
Total Fiscal Year 2006 Payroll Dir	rect Costs:		-	1,371.37		\$771.12
Total Fiscal Year	2006:			1,371.37		\$771.12
•		02 06 07 20	·		56.23% 56.23% 56.23% ————————————————————————————————————	\$3 \$77

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

Employee Name	Fiscal <u>Year</u>	Pay <u>Period</u>		Payroll Costs	Ind. Rate (%)	Indirect Costs
FULGHUM, MARY L.	2007	14		190.85	62.91%	120.06
		23		39.13	62.91%	24.62
•		24		19.57	62.91%	12.31
		25		78.24	62.91%	49.22
				327.79	. —	\$206.21
JABLONOWSKI, EUGENE A.	2007	14		103.98	62.91%	65.41
	. ,	23		76.88	62.91%	48.37
		25		46.88	62.91%	29.49
				227.74		\$143.27
JOYCE, EMMETT M.	2007	11		169.83	62.91%	106.84
				169.83	_	\$106.84
KEATING, DEBBIE F.	2007	06		12.44	62.91%	7.83
		11		26.32	62.91%	16.56
				38.76	_	\$24.39
MARTWICK, CATHLEEN R.	2007	23		132.87	62.91%	. 83.59
	200.	24		66.43	62.91%	41.79
		26	,	83.06	62.91%	52.25
				282.36	_	\$177.63
SIMON, VERNETA J.	2007	14		94.04	.62.91%	59.16

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

Employee Name	Fiscal <u>Year</u>	Pay <u>Period</u>	Payroll Costs	Ind. Rate (%)	Indirect Costs
SIMON, VERNETA J.	2007	23	156.75	62.91%	98.61
			250.79		\$157.77
Total Fiscal Year 2007 Payroll Dire	ct Costs:		1,297.27	==	\$816.11
Total Fiscal Year 20	007:		1,297.27	==	\$816.11
· .	PAYROL	L DIRECT COSTS		•	
Employee Name	Fiscal <u>Year</u>	Pay <u>Period</u>	Payroll <u>Costs</u>	Ind. Rate (%)	Indirect Costs
FELITTI, PETER M.	2008	14	21.77	61.66%	13.42
		15	21.77	61.66%	13.42
		16	21.77	61.66%	13.42
		18	544.07	61.66%_	335.47
			609.38		\$375.73
KEATING, DEBBIE F.	2008	05	27.44	61.66%	16.92
		•	27.44		\$16.92
MARTWICK, CATHLEEN R.	2008	24	212.34	61.66%	130.93
	•	25	141.54	61.66%	87.27
			353.88		\$218.20

Report Date: 01/30/2013

EPA Indirect Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

Employee Name	Fiscal <u>Year</u>	Pay <u>Period</u>	Payroll Costs	Ind. Rate (%)	Indirect Costs
SIMON, VERNETA J.	2008	23	32.47	61.66%	20.02
	•		32.47		\$20.02
		•			
Total Fiscal Year 2008 Payroll Direct Costs:		1,023.17		\$630.87	
· Total Fiscal Year 2	008:		1,023.17	_	\$630.87
•	PAYROL	L DIRECT COSTS			
Employee Name	Fiscal <u>Year</u>	Pay <u>Period</u>	Payroll <u>Costs</u>	Ind. Rate (%)	Indirect Costs
KEATING, DEBBIE F.	2009	18	45.63	62.76%	28.64
		19	30.41	62.76%	19.09
,			76.04		\$47.73
			<u>:</u>		
Total Fiscal Year 2009 Payroll Dire	ct Costs:		76.04	=	\$47.73
Total Fiscal Year 2	009:		76.04		\$47.73
	<u>PAYROL</u>	L DIRECT COSTS		,	
				Ind.	
Employee Name	Fiscal <u>Year</u>	Pay <u>Period</u>	Payroll Costs	Rate _(%)	Indirect Costs
FULGHUM, MARY L.	2012	25	87.15	61.61%	53.69
		27	21.86	61.61%	13.47
			109.01	_	\$67.16

Ind.

EPA Indirect Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

Employee Name	Fiscal <u>Year</u>	Pay <u>Period</u>	Payroll Costs	Rate (%)	Indirect Costs
JABLONOWSKI, EUGENE A.	2012	21	142.17	61.61%	87.59
			142.17		\$87.59
KEATING, DEBBIE F.	2012	10	64.38	61.61%	39.66
			64.38	•	\$39.66
MARTWICK, CATHLEEN R.	2012	24 .	63.65	61.61%	39.21
WARTER OF THE ELLIPTIC	2012	27	254.61	61.61%	156.87
			318.26	_	\$196.08
• .				•	******
Total Fiscal Year 2012 Payroll Di	rect Costs:		633.82	<u></u>	\$390.49
Total Fiscal Year	2012:		633.82		\$390.49
	<u>PAYROL</u>	L DIRECT COSTS			
•				Ind.	
Employee Name	Fiscal <u>Year</u>	Pay <u>Period</u>	Payroll Costs	Rate (%)	Indirect Costs
FULGHUM, MARY L.	2013	02	65.37	61.61%	40.27
,		03	42.12	61.61%	25.95
			107.49		\$66.22
KEATING, DEBBIE F.	2013	01	63.68	61.61%	39.23
	20.0	04		61.61%	19.83
		05	32.19	61.61%	19.83
		06	32.19	61.61%	19.83
			160.25		\$98.72
MARTWICK, CATHLEEN R.	2013	01	127.29	61.61%	78.42

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

Employee Name	Fiscal <u>Year</u>	Pay <u>Period</u>		Payroll Costs	Ind. Rate (%)	Indirect Costs
MARTWICK, CATHLEEN R.	2013	03		124.95	61.61%	76.98
			_	252.24		\$155.40
					•	
TAYLOR, DARIUS L.	2013	04	_	59.33	61.61%	36.55
	•			59.33		\$36.55
Total Fiscal Year 2013 Payroll Direct Costs:		_	579.31	_	\$356.89	
					=	
Total Fiscal Year 2013:		_	579.31	_	\$356.89	
				-		
Total EPA Indirect Costs					_	\$4,392.73
					==	